

In re Appln. of Hermann Schmodde et al.
Application No. 10/030,790

REMARKS

Applicants have carefully reviewed and considered the Office Action dated March 19, 2003 and the references cited therein. Applicants have amended claims 19, 25, 29, 32, 36 and 40. In addition, applicants have cancelled claims 33 and 34, without prejudice. Applicants believe the application is now in condition for allowance. Accordingly, favorable reconsideration in light of the foregoing amendments and following remarks is respectfully requested.

As an initial matter, the Examiner objected to several informalities in the drawings with respect to the reference numbers. In response, applicants submit herewith replacement drawing sheets containing FIGS. 6, 7, 10 and 14. In FIG. 6, applicants have changed the usage of reference number 27 to reference number 28 and the usage of reference number 28 to reference number 27. In FIG. 7, applicants have changed reference number 35 to 36. In FIG. 10, applicants have amended the cross-hatching of the cross-sectioned area to indicate that the illustrated portion of the housing is made of plastic. In FIG. 14, applicants have added reference number 14a to reference the dash-dot line in the drawing. No new matter has been entered by way of these amendments to the drawings. The Examiner is requested to approve the enclosed replacement drawings.

Applicants have also amended the specification to delete the reference number 108 for the permanent magnets and the reference number 114 for the leg. These amendments to the specification render the Examiner's objections to these reference numbers moot. Applicants have also amended the specification to specify that the reference number for the hoop is 97 not 197 and that the handle 72 is shown in FIGS. 1 and 2. Applicants have amended claim 36 to delete the reference to elastomer. With respect to the Examiner's objection to the drawings not showing the housing being made of plastic, applicants respectfully submit that the plastic construction of the housing can be well understood from the specification as filed and that there is no need to show such a material of construction in the drawings. However, to help alleviate the Examiner's concerns in this regard, applicants have amended FIG. 10 to use cross-hatching to indicate the plastic construction of the illustrated housing. Applicants respectfully request withdrawal of the objections to the drawings.

In the Office Action, the Examiner objected to certain informalities in the specification. In response, applicants have amended the specification to address the specific issues raised by the Examiner. No new matter has been entered into the specification.

Claims 16-25, 29 and 40 stand rejected under 35 U.S.C. § 112 as being indefinite. In response, applicants have amended claims 19, 25, 29 and 40 to address the specific antecedent basis issues raised by the Examiner. Applicants, however, request reconsideration

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of the § 112 rejection of claim ¹⁶19. Specifically, the Examiner asserts that the term "the yarn feeder" in line 2 of the claim lacks antecedent basis. However, this term is used in the preamble of the claim and therefore proper antecedent basis is provided. Applicants also disagree with the Examiner's contention that the claim must include structure that feeds yarn. The preamble of the claim clearly limits the claim to a yarn feeder. The claim language itself includes the particular structure that applicants contend distinguishes the claim over the prior art, namely the particular housing and fastening clamp. Structure for feeding the yarn is implicit in the use of the term "yarn feeder" in the preamble. A particular recitation of the yarn feeding structure is not necessary to make the claim definite.

Turning to the claim rejections based on the prior art, claims 16-23 and 25-29 stand rejected under 35 U.S.C. § 102 as anticipated by U.S. Patent 5,716,024 ("the '024 patent"). Moreover, claims 24 and 40 stand rejected under 35 U.S.C. § 103 as obvious in view of the '024 patent in combination with the U.S. Patent 5,782,424 ("the '424 patent"). Applicants respectfully submit that independent claims 16 and 26 and independent claim 32 as amended are not taught or suggested by the references cited by the Examiner either alone or in combination.

With respect to claim 16, applicants submit that neither of the cited references teach or suggest a yarn feeder having a fastening clamp having a box-like cross-sectional profile with portions that incur clamping forces being formed entirely of the plastic material of the housing. The '024 patent does not teach or suggest such a fastening clamp. In particular, as can be seen from FIG. 1 of the '024 patent, the clamp 6 taught in the '024 patent has an open C-shaped cross-section. The '024 patent includes no disclosure of a bottom half of the clamp, let alone a teaching that the bottom half is made from a plastic material. Moreover, one of the applicants of the present invention is also named as an inventor on the '024 patent. He indicates that the apparatus covered by the '024 patent included metal elements on the clamp and thus the clamp was not formed entirely of plastic material as called for in the claim. Thus, applicants submit that claim 16 and the claims depending therefrom are patentable over the '024 and '424 patents.

With respect to claim 26, applicants submit that neither of the recited references teach or suggest a yarn feeder having a fastening claim with portions extending beyond a plane defined by an edge of the drive belt on a yarn guide drum side of the belt. In the illustrated embodiment, this particular feature of the invention can help to stiffen the clamp so that it is rigid enough to carry all the stresses that are applied by the set screw without spreading apart the legs of the clamp. The '024 patent does not disclose any rib or other element which extends over a height defined by the lower rim of the pulley 27. In fact, the clamp is


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arranged entirely below the plane defined by the lower rim of the pulley. The '424 patent does not address the deficiencies of the '024 patent. Accordingly, applicants submit that claim 26 and the claims depending therefrom are allowable over the cited references.

With respect to claim 32, which has been amended to include the limitations of claims 33 and 34, applicants submit that neither of the cited references teach or suggest a yarn feeder that includes bearing seats that are tubular members integrally formed in the housing parts. This arrangement helps ensure that the bearings are properly aligned. The '024 patent does not teach or suggest any tubular members nor any other comparable component that could align the bearings of a vertically arranged shaft. Thus, applicants respectfully submit that claim 32 as amended and the claims depending therefrom are patentable over the cited references.

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,


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Date: July 21, 2003

Amendment or ROA - Regular (Revised 5/1/03)

MA\Doc\PAT\GCB\AMENDMENTS\214907 Amendment